

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

05/06/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 02/17/2005.

TITLE: Southeast Region Logbook Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0016

EXPIRATION DATE: 12/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	93,840	13,084	0
New	94,190	14,426	0
Difference	350	1,342	0
Program Change		1,342	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
SOUTHEAST REGION LOGBOOK FAMILY OF FORMS
OMB CONTROL NO. 0648-0016**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The National Marine Fisheries Service (NMFS) has been delegated the authority and responsibility for stewardship of the living marine resources for the Nation. This authority was first granted in the Fishery Conservation and Management Act (FCMA) of 1976 and reauthorized in 1996. Under this authority, the Secretary of Commerce, and his designee the NMFS, has promulgated separate rules that require specific types of record keeping and data submissions. These data collection/submission regulations are intended to provide reliable and accurate information from the fishing industry and communities that support scientifically viable management actions to achieve the stewardship responsibilities. The reporting and record keeping requirements for the Southeast Region Logbook Family of Forms (0648-0016) are authorized in 50 CFR 622.5, Fisheries of the Caribbean, Gulf of Mexico and south Atlantic. The authority for south Atlantic snapper-grouper, Gulf of Mexico reef fish, and king/Spanish mackerel is in section 622.5(a) [see Attachment 1].

The Southeast Region Logbook Family of Forms includes an economic data collection from commercial fishermen in the Atlantic snapper-grouper and mackerel fisheries. There are two parts to this data collection. One part requests information about dockside prices and operating costs on logbook trip reports for individual fishing trips, and the second part requests information about fixed costs on an annual basis. Data are used in analyses of the economic effects of proposed regulations on commercial fishermen in the Atlantic snapper-grouper and mackerel fisheries. Economic analyses of proposed regulations are required by Executive Order 12866 [see Attachment 2].

The purpose of this request for OMB review is to: (a) modify the existing economic data collection for the Atlantic snapper-grouper and mackerel fisheries; and (b) extend the data collection to include the commercial reef fish and mackerel fisheries in the Gulf of Mexico.

(a) Modify the existing economic data collection for the Atlantic snapper-grouper and mackerel fisheries:

Trip costs, such as fuel, bait, ice, other supplies, and labor costs, will be combined with information about fishing effort, landings and revenues per trip to estimate the economic effects of regulation on the profitability of different kinds of trips, and the likelihood that fishermen will either continue to fish as before or change their fishing strategies (i.e., change target species, gear, location, etc.) in response to proposed regulation.

Data about dockside prices and trip costs are collected on the existing logbook trip reporting form (see Appendix A). We wish to modify this format to remove the request for dockside prices, and to add a question to request total trip revenues.

Dockside prices were originally requested to calculate trip revenues and to provide information with which to study variation in prices due to market size and seasonality, among other things. However, these objectives have not been met because there is insufficient space on the form to pre-print market size categories for every species. Fishermen try to be helpful by reporting prices such as 1.75/1.50/1.10 for large, medium and small, but we do not know how many pounds were landed in each market category, and therefore, we do not get an accurate accounting of total trip revenues when this happens. Our proposed solution is to ask directly for total trip revenues, remove the request for dockside prices, and seek alternative methods of obtaining and studying price data by market size.

The collection of annual economic data has just begun. Over time, these data will be used to examine trends in the overall profitability of fishing, and will provide information with which to create input-output models of the contributions of commercial fisheries to regional economic activity and incomes.

Data about annual fixed costs and revenues are collected with a separate form mailed annually. We wish to modify this form to add several questions about annual expenditures for trip-related expenses. Although the logbook trip reporting form requests trip costs, many boats participate in fisheries for which logbook reports are not required. Hence, the sum of reported trip costs from logbooks submitted by these boats provides an incomplete accounting of their total trip-related expenses, which leads to an underestimation of total annual costs of operating these boats and overestimation of annual profitability. Our proposed solution is to add several questions to request total annual expenditures for trip expenses. The existing annual form appears in Appendix B, and the proposed revised form appears in Appendix C.

(b) Extend the data collection to include the commercial reef fish and mackerel fisheries in the Gulf of Mexico:

Economic data are needed to evaluate the likely economic effects of regulation for the commercial reef fish and mackerel fisheries in the Gulf of Mexico. The most recent data for these fisheries were collected in 1994 about fishing activities, revenues and costs during 1993.¹ These data are 11 years old and outdated, and our proposed solution is to extend the snapper-grouper method of collecting data to include fishermen in the Gulf of Mexico.

The commercial reef fish and mackerel fisheries in the Gulf of Mexico consist of many of the same species that support the Atlantic snapper-grouper and mackerel fisheries, and are faced with many of the same management problems. Commercial and recreational fishermen harvest reef fishes throughout the region, and fishing pressure by both sectors has increased since the late 1970s due to larger human populations in coastal areas, greater demands for fishery products and recreational fishing opportunities, and cost-saving technological innovations in fishing techniques and equipment, especially the advent of inexpensive fish finders and navigational aids which are now widely used by both groups.

¹ Waters, James R. 1996. An economic survey of commercial reef fish vessels in the U.S. Gulf of Mexico. Unpublished report. National Marine Fisheries Service, 101 Pivers Island Road, Beaufort, NC 28516.

Reef fishes are particularly vulnerable to overfishing because of their life history characteristics that include sedentary behavior on reef habitats, long lives, slow growth, low natural mortality, large body size, delayed reproduction, and sex reversal for some species.² Therefore, the Gulf of Mexico Fishery Management Council has regulated various aspects of the reef fish fisheries through its fishery management plan and amendments for the reef fish fishery as a means of rebuilding depleted fish populations.

The mackerel fisheries consist primarily of the king mackerel (*Scomberomorus cavalla*) and Spanish mackerel (*S. Maculatus*) fisheries. Both species are pelagic and migratory, with their availability in particular locations being seasonal and depending on factors such as water temperature and food supply. In contrast to species in the Atlantic snapper-grouper and Gulf reef fish complexes, mackerels are fast-growing and short-lived, and hence are less vulnerable to overfishing. Nevertheless, king and Spanish mackerel are heavily exploited and managed as part of the coastal migratory pelagic resource with a fishery management plan developed jointly with the South Atlantic and Gulf of Mexico Fishery Management Councils. King mackerel represent an important alternative species for fishermen in the Atlantic snapper-grouper and Gulf reef fish fisheries.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Information to be acquired with this data collection will be used primarily by NMFS and Council economists to estimate the likely economic effects of proposed regulations in the Atlantic snapper-grouper and mackerel fisheries, and in the Gulf of Mexico reef fish and mackerel fisheries. Because regulatory activity appears to be increasing rather than decreasing, especially for the Atlantic snapper-grouper and Gulf reef fish fisheries, we expect these data to be used frequently.

Analyses based on these data will be made available to the public in support of the fishery management process. Trip-level data will be used to estimate the economic effects of regulation on the profitability of different kinds of trips, and the likelihood that fishermen will either continue to fish as before or change their fishing strategies in response to proposed regulation. Annual data will be used to establish and examine trends in the overall profitability of fishing and as input to regional economic models to estimate the effects of regulation on regional economic activity.

The NMFS, and in particular the Southeast Fisheries Science Center, will retain control over the information and will safeguard it from improper access, modification and destruction consistent with NOAA standards for confidentiality, privacy and electronic information. See Section A, response #10 of this Supporting Statement for more information regarding confidentiality and privacy. Data and analyses based on this data collection will comply with agency guidelines to

² Southeast Fisheries Science Center. 1992. Status of Fishery Resources off the Southeastern United States for 1992. NOAA Technical Memorandum NMFS-SEFSC-326, 89p.

assure the quality, utility and integrity of information that will be disseminated to the public or that will support information that will be disseminated to the public. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of the Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

No electronic reporting technology is currently used to collect economic data. Trip-level data are collected in conjunction with existing paper logbook reports. Commercial fishermen with federal permits in the Atlantic snapper-grouper and mackerel fisheries and the Gulf of Mexico reef fish and mackerel fisheries are required to submit logbook sheets within seven days after the completion of each trip to report pounds landed per trip by species, type and amount of gear used, area fished, dates of trip and port where the catch was landed. Questions about trip costs were appended to the bottom of the existing logbook sheets.

Data about annual costs are collected with a separate form mailed annually in the spring of the following calendar year so that fishermen can use their accounting records organized during the preparation of their income tax returns. The Southeast Fisheries Science Center is developing internet-based software to provide fishermen with the option of reporting annual data with paper or via the internet. However, software development is only just beginning. Actual electronic reporting of annual data will not be implemented until the software is developed and thoroughly tested to insure the security, privacy and integrity of data collected in this manner.

4. Describe efforts to identify duplication.

Several programs were identified that either collect different kinds of data from the same population of respondents or that collect similar data from a population that could include some potential respondents for this data collection.

First, as already noted, commercial fishermen in the Atlantic snapper-grouper and mackerel fisheries and Gulf of Mexico reef fish and mackerel fisheries are already required to submit trip (logbook) reports of their catches by species, type and amount of gear used, area fished, and date and location of each trip (OMB control number 0648-0016, expiration December 31, 2006). The economic project collects additional (i.e., economic) data from a sample to be selected from the same population of respondents and consolidates the economic data collection with the existing logbook reporting system.

Second, in conjunction with logbook reporting requirements, a sample of fishermen with snapper-grouper, reef fish and mackerel permits is required to report information about their discards of managed species. These fishermen are removed from the potential sampling universe for the economic data collection to minimize their overall reporting burden.

Third, there is a similar economic data collection from commercial fishermen in the highly migratory species (HMS) fishery. Fishermen who are required to report economic data under

this program are removed from our potential sampling universe to minimize their overall reporting burden and to avoid duplication of reporting requirements.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Commercial snapper-grouper, mackerel and reef fish boats are small businesses as defined by the Small Business Administration.

This data collection minimizes reporting burden by requesting that a sample of boats with permits provide economic information. Boats not selected in the sample will not be required to report economic information. However, all boats with permits will continue to report pounds landed per trip by species, type and amount of gear used, area fished, dates of trip and port where the catch was landed (OMB control number 0648-0016, expiration December 31, 2006).

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The economic data collection requests information about trip costs and revenues, and annual costs and revenues with which to analyze proposed fishery regulations. If these data were collected less frequently or not at all, then economists would be less able to estimate the effects of regulation on financial performance or fishermen's expected reactions to additional regulations. Proposed regulations for the Atlantic snapper-grouper and mackerel fisheries and Gulf of Mexico reef fish and mackerel fisheries would continue to be debated with limited economic information.

Another consequence of not having representative or sufficient economic data could be judicial remand of conservation regulations challenged on grounds of inadequate analysis of economic impact to individual firms. While we cannot prove that the existence of economic data would alter regulation in the Atlantic or Gulf of Mexico fisheries, it is our belief that this information will lead to a better understanding of the economic effects of proposed management and will enable fishery managers to make better-informed decisions among regulatory alternatives.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Logbook data are collected for individual trips rather than for a quarterly aggregation of trips, as established in OMB guidelines. A separate data collection to request quarterly economic data about trip costs could be established. However, the most convenient and cost-effective way to implement this program is to consolidate the collection of trip costs with the existing logbook data collection program.

In addition, trip-level data are more appropriate for regulatory analyses than quarterly data. Regulation reduces the profitability of individual fishing trips. Some trips would remain profitable despite lower net operating revenues. Other trips would become unprofitable and would not be taken. Trip costs are combined with other data, such as information about fishing effort, landings and revenues per trip, collected on logbook trip reports to estimate the economic

effects of regulation on the profitability of different kinds of trips, and the likelihood that fishermen will either continue to fish as before or change their fishing strategies (i.e., change target species, gear, location, etc.) in response to proposed regulation.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A notice was published in the Federal Register on May 3, 2004 (69 *Federal Register* 24133) in which the public was invited to comment on our proposal to collect economic data from commercial reef fish and mackerel fishermen in the Gulf of Mexico [see Attachment 3 and text below]. No comments were received.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration.

[I.D. 042403C]

Proposed Information Collection; Comment Request; Gulf of Mexico Reef Fish and Coastal Pelagics Economic Data Collection.

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 30, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Jim Waters, Department of Commerce, NOAA, National Marine Fisheries Service, 101 Pivers Island Road, Beaufort, NC 28516-9722, (252- 728-8710).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) proposes to collect information about vessel expenses and earnings in the Gulf of Mexico reef fish and coastal pelagic (mackerel) fisheries with which to conduct economic analyses that will improve fishery management in those fisheries; will satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Steven Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and will quantify achievement of the performances measures in the NMFS Strategic Operating Plans. These data will be collected in conjunction with catch and effort data already being collected in this fishery as part of its logbook program, and will be used to assess how fishermen will be impacted by and respond to regulations likely to be considered by fishery managers.

II. Method of Collection

Owners of selected vessels with Federal commercial permits in the Gulf of Mexico reef fish and coastal pelagics fisheries will be required to report information about trip costs, input usage, input prices, and dockside prices as part of the logbook reporting requirements in this fishery. In addition, these vessel owners will be required to complete and submit by mail a separate form about annual fixed cost information such as expenditures for repair and maintenance, gear purchase and repair, fishing licenses and permits, insurance, dock fees, repayment on boat and business loans, office expenses, etc.

III. Data

OMB Number: 0648-0016.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 350.

Estimated Time Per Response: 10 minutes per trip report, and 30 minutes for an annual fixed-cost survey.

Estimated Total Annual Burden Hours: 1,400.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 22, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-10676 Filed 4-29-03; 8:45 am]

BILLING CODE 3510-22-S

The collection of trip cost information began in 2002 for the Atlantic snapper-grouper and mackerel fisheries, and several questions have been reworded to clarify the intent of our requests. We expect the experience gained with the Atlantic data collection will result in a smoother transition when the data collection is expanded to include the Gulf of Mexico reef fish and mackerel fisheries.

During May and June, 2003, twelve focus group meetings were held with commercial reef fish and mackerel fishermen operating in the Gulf of Mexico Fishery Management Council's area of jurisdiction. These meetings were held to explain the need for economic data, to discuss our proposed method for collecting economic data and to obtain fishermen's input regarding the data collection program. Several useful suggestions were offered by fishermen, including a suggestion to remove dockside prices from the logbook form because prices are reported on trip tickets collected by the States of Florida, Louisiana and Alabama.

The focus group meetings were poorly attended, and a second set of meetings is planned for the summer of 2004.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

This survey will request information about trip-level costs and revenues and annual costs and revenues for commercial fishermen in the Atlantic snapper-grouper and mackerel fisheries and the Gulf of Mexico reef fish and mackerel fisheries. This information is commonly considered to be private and will be treated as confidential in accordance with NOAA Administrative Order 216-100, Confidential Fisheries Statistics. It is Agency policy not to release confidential data, other than in aggregate form, as the Magnuson-Stevens Act protects the confidentiality of those submitting data. Whenever data are requested, the Agency ensures that information identifying the pecuniary business activity of a particular individual is not identified. Only group averages

or group totals will be presented in any reports, publications, or oral presentations of the study's results.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions will be asked about sexual behavior and attitudes, religious beliefs, or other similar matters of a personal and sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

We request an additional 1342 burden hours to extend the data collection to include commercial reef fish and mackerel fishermen in the Gulf of Mexico. No additional burden hours are requested for the Atlantic fisheries.

Gulf of Mexico Fisheries	Trip Form	Annual Form	Total
Number of Respondents	350	350	350
Responses per Respondent	20	1	21
Total Responses	7000	350	7350
Additional Time per Response (hours)	0.1667	0.5	
Additional Burden Hours	1167	175	1342

Preliminary data indicate that fishermen on 1,477 boats landed at ports in Gulf states in 2002 and submitted 26,656 trip reports to the logbook program, for an overall average of about 18 trips per boat. However, to minimize the risk of underestimating actual burden hours on the fishery, the calculation of total burden hours for completing the trip reporting form is based on an average of 20 responses (trips) per respondent for trip costs plus 1 response per respondent for annual costs. (The calculation of total burden hours in the FR notice was based on an average of 21 trips per respondent.)

We propose to sample 350 boats to minimize overall reporting burden to the entire fishery. The final sampling universe will be based on more current data when they become available.

We propose to add questions about trip costs to the logbook trip reporting form in the Gulf of Mexico. Among questions about trip costs, two require the checking of boxes to indicate a YES or NO response. Other questions ask for: total trip revenues, gallons of fuel used, price per gallon and total fuel cost; quantity of bait used (in units of pounds or box count) and total cost for bait; pounds of ice used and total cost for ice; other trip costs; and payments for labor expense to captain and crew. It is anticipated that the additional time required by fishermen to complete these questions is less than 10 minutes (0.1667 hours) because all of these pieces of information should be available on the trip settlement sheets received by fishermen from their buyers (fish houses), and hence can be transcribed to the logbook trip reporting form. Fishermen are already required to submit logbook sheets to report information about landings and fishing

effort. Therefore, the collection of information about trip costs will increase the amount of time required to complete each logbook sheet, but will not increase the number of respondents or the number of responses per respondent.

We propose to collect information annually about costs and revenues. Fishermen will be required to submit the annual form in the spring of the following calendar year so that they can use their accounting records as organized during the preparation of their income tax returns. Our estimated time of 30 minutes (0.5 hours) to complete the annual form was based on the premise that fishermen would already have organized their expenses for end-of-year tax purposes, and that we had worked with Atlantic fishermen in focus group meetings prior to implementation of the Atlantic data collection to try as much as possible to structure our questions to correspond with useful expense categories. The form to collect annual costs and revenues is new for the Gulf of Mexico. Therefore, an additional response per respondent will be required to collect annual economic information. The number of respondents does not increase because fishermen are already required to report to the logbook program.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

No specialized equipment is required to complete the logbook or annual data collection forms. Hence, there are no capital, start-up, maintenance or operations costs required to complete the forms, other than the reporting burden described in response Section A, response #12.

Fishermen will be provided postage-paid and addressed envelopes in which to return their responses.

14. Provide estimates of annualized cost to the Federal government.

The cost to the Federal government of collecting economic data is expected to be approximately \$25,000 per year for the Atlantic and Gulf of Mexico economic data collections. Costs include printing and mailing of forms, labor for processing of forms, data entry, quality control, and supervision. A large fraction of program costs will be incurred to hire a one-half time statistical assistant to supplement the existing logbook staff with the duties of processing and quality control. The NMFS has allocated supplemental funding for these costs as part of an agency initiative to improve economic data collection.

In addition, approximately \$19,300 has been allocated for the development of an internet-based method of reporting annual data.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

We request an additional 1342 burden hours to extend the economic data collection to include commercial reef fish and mackerel fishermen in the Gulf of Mexico, as outlined in Section A, responses #1 and #12 in this Supporting Statement. No additional burden hours are requested for

the Atlantic fisheries.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results from the proposed data collection are not planned for statistical publication. Data will be used as empirical input in descriptions of current economic performance in the commercial snapper-grouper, reef fish and mackerel fisheries, and in evaluations of proposed regulations in the fisheries. Descriptive and analytical reports will include summaries of data and will not release or reveal confidential information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The OMB control number and expiration date will be displayed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

(If your collection does not employ statistical methods, just say that and delete the following five questions from the format.)

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

A preliminary potential respondent universe was determined from logbook reports submitted to the NMFS during 2002. The final respondent universe will be determined from up-to-date permits and logbook data just prior to the mailing of logbooks in late 2004. Differences can occur between the preliminary and final universes because boats may leave the fishery and others may enter the fishery.

There were 1,477 boats that reported having landed at least one fishing trip at ports in the Gulf of Mexico, including the Florida Keys, during 2002. Boats were classified by county of landing and primary gear fished as determined by a plurality of each boat's annual landings (Table 1). About 84% of boats (1250) landed in Florida, 3% (40) in Alabama and Mississippi combined, 8% (118) in Louisiana and 5% (69) in Texas. The dominant gears used in the fishery were vertical lines and bottom longlines. Boats with vertical lines accounted for 75% of the boats in

the fishery (Table 1) and 58% of the catch (Table 2) reported to the NMFS. Boats with bottom longlines accounted for 11% of the boats in the fishery (Table 1) and 31% of the catch (Table 2).

Table 1. Numbers of boats that reported fishing trips to the SEFSC logbook program in 2002, by main gear type and area of landing. (Source: NMFS logbook data files as of September 25, 2003.)

AREA	VERTI- CAL LINES	TROL- LING LINES	LONG- LINES	NETS	TRAPS /POTS	DIVING	OTHER GEARS	TOTAL
Monroe County, FL	415	38	13	10	4	19	7	506
Collier-Charlotte Counties, FL	38	4	6	1	11	1	0	61
Sarasota-Levy Counties, FL	223	2	84	11	23	12	2	357
Dixie-Franklin Counties, FL	123	0	8	0	15	0	1	147
Gulf-Escambia Counties, FL	131	16	27	0	1	0	4	179
Alabama & Mississippi	33	2	5	0	0	0	0	40
St. Tammany-St. Mary Parishes, LA	51	29	11	0	0	2	0	93
Iberia-Cameron Parishes, LA	23	0	2	0	0	0	0	25
Jefferson-Matagorda Counties, TX	52	0	2	0	0	0	0	54
Calhoun-Cameron Counties, TX	12	0	3	0	0	0	0	15
TOTAL	1101	91	161	22	54	34	14	1,477

Table 2. Thousands of pounds of all species reported to the SEFSC logbook program in 2002, by main gear type and area of landing. (Source: NMFS logbook data files as of September 25, 2003.)

AREA	VERTI- CAL LINES	TROL- LING LINES	LONG- LINES	NETS	TRAPS /POTS	DIVING	OTHER GEARS	TOTAL
Monroe County, FL	2389	186	389	219	87	80	90	3440
Collier-Charlotte Counties, FL	420	50	225	10	322	2	0	1029
Sarasota-Levy Counties, FL	2179	8	4670	65	568	84	6	7580

AREA	VERTICAL LINES	TROLLING LINES	LONG- LINES	NETS	TRAPS /POTS	DIVING	OTHER GEARS	TOTAL
Dixie-Franklin Counties, FL	1175	0	371	0	466	0	10	2022
Gulf-Escambia Counties, FL	2960	47	1301	0	2	0	8	4318
Alabama & Mississippi	341	37	185	0	0	0	0	563
St. Tammany-St. Mary Parishes, LA	1939	448	504	0	0	13	0	2904
Iberia-Cameron Parishes, LA	2022	0	183	0	0	0	0	2205
Jefferson- Matagorda Counties, TX	1693	0	170	0	0	0	0	1863
Calhoun-Cameron Counties, TX	72	0	243	0	0	0	0	315
TOTAL	15190	776	8241	294	1445	179	114	26239

The method of sampling will be random, with sample sizes proportional to stratum size. Strata are defined as gear and area to generate the most useful information for analyses of potential future regulatory proposals.

The sampling universe will be stratified by gear because the economic characteristics associated with the use of each kind of gear differ. Different kinds of fishing gear have different revenue and cost structures due to their specialized equipment and methods of fishing. Therefore, different gear types usually entail different variable costs of harvesting and different repair and replacement costs for equipment. Also, different gears influence the species composition of the catch and, hence, its revenue. If a simple random sample was drawn without stratification by gear, then less commonly used gears would be sampled infrequently or not at all. Nevertheless, boats with diving gear and nets will be combined with the other gear category because of small respondent universes.

Stratification by gear is needed for regulatory as well as economic reasons. Regulations frequently limit or restrict the uses of particular kinds of gear to manage externalities created by the use of particular gears, such as the destruction of marine habitat caused by physical contact with the gear, the incidental bycatch and destruction of other overfished or endangered species, or the conflicting interactions among users of different kinds of gear as a result of competition for space on the fishing grounds. Also, regulations result from competition for limited access to or larger allocations of overfished species as politically dominant users of the major kinds of fishing gear attempt to exclude or marginalize participation in the fishery by users of less common or especially efficient kinds of gear. Hence, information is needed by gear type, even for the less frequently used gears.

The sampling universe also will be stratified by area to insure that information is collected from all areas in the Gulf of Mexico. Although fishing gears and techniques are similar throughout the Gulf, species composition and catch rates vary geographically within the Gulf of Mexico. Therefore, the costs of regulation directed toward the catch of particular species may not be incurred uniformly throughout the Gulf.

Participation in the data collection program will be mandatory for selected boat owners. However, response may be less than 100% if some fishermen decide to leave the reef fish or mackerel fisheries. Reasons for leaving the fishery could include illness, extended major repairs to engines or hull, a boat that may have sunk, a switch to another fishery, or a decision to leave the commercial fishing industry entirely. Turnover in the fishery is not great.

A stratified random sampling strategy insures that fishermen from all strata will be selected to submit economic information, although it may require several years of data collections before a lot of information would be gathered from strata with small numbers of fishermen. Until then, data from areas with smaller sample sizes would be combined when necessary to analyze differences in economic performance among gear types.

A preliminary sampling design with 347 respondents is presented in Table 3. A final sample selection will be based on updated data, and will contain no more than 350 selected boats, as outlined in Section A, response #12.

Table 3. Preliminary sample sizes, by gear and area.

AREA	VERTICAL LINES	TROLLING LINES	LONGLINES	TRAPS /POTS	OTHER GEARS	TOTAL
Monroe County, FL	98	9	3	1	9	120
Collier-Charlotte Counties, FL	9	1	1	3	0	14
Sarasota-Levy Counties, FL	53	0	20	5	6	84
Dixie-Franklin Counties, FL	29	0	2	4	0	35
Gulf-Escambia Counties, FL	31	4	6	2	1	42
Alabama & Mississippi	8	0	1	0	0	9
St. Tammany-St. Mary Parishes, LA	12	7	3	0	0	22
Iberia-Cameron Parishes, LA	5	0	0	0	0	5
Jefferson- Matagorda Counties, TX	12	0	0	0	0	12

AREA	VERTICAL LINES	TROLLING LINES	LOGLINES	TRAPS /POTS	OTHER GEARS	TOTAL
Calhoun-Cameron Counties, TX	3	0	1	0	0	4
TOTAL	260	21	37	13	16	347

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

A random sample of commercial fishermen with reef fish and/or mackerel permits will be selected to report economic data, as described in Section B, response #1.

Economic data will be collected in conjunction with the existing logbook program that collects information about catch by species per trip and fishing effort per trip (OMB control number 0648-0016, expiration December 31, 2006). Fishermen who are not selected to submit economic information will receive the existing logbook trip reporting form that does not request information about trip revenues and costs. Fishermen who are selected to report economic information will receive the revised trip reporting form and will be instructed to submit economic information in addition to information about their catches and fishing effort.

A separate form to collect information about annual revenues and costs will be mailed to selected fishermen in the spring of each year, with the timing established to take advantage of the availability of information about annual expenditures as recently compiled for end-of-year federal income tax purposes. Trip reports about routine harvesting costs and annual reports will be submitted to the NMFS/SEFSC logbook program in Miami, Florida.

Data will be used for descriptive and analytical purposes. These uses include the estimation of average harvesting costs per boat per trip and total harvesting costs for all boats and all trips in the sampling universe. The procedures for estimating average harvesting costs per trip are based on econometric analyses of costs in relation to gear used, duration of trip, number of crew, pounds landed, vessel length, and so forth. The procedures used to estimate total harvesting costs expended by all boats in the sampling universe are based on equations available in statistical texts by Cochran³ and Thompson.⁴ These types of relationships are used in analyses of the effects of regulation on the profitability of fishing.

³ ⁶ Cochran, William G. 1963. Sampling Techniques, second edition. John Wiley & Sons, Inc., New York, 413p.

⁴ ⁷ Thompson, Steven K. 1992. Sampling. John Wiley & Sons, Inc., New York, 343p.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.

Several steps have been taken to maximize response rates. As mentioned in Section A, response #8, focus group meetings were held with commercial reef fish and mackerel fishermen to explain the need for economic data, to discuss our proposed method for collecting economic data and to obtain their input regarding the data collection program. Additional focus group meetings are planned this year. Also, outreach materials are being developed that will be distributed to participants selected in the reporting sample. These documents will address fishermen's concerns expressed at the focus group meetings, describe how cost and revenue data would be used in the fishery management process, and explain that data will be treated as confidential in accordance with NOAA Administrative Order 216-100, Confidential Fisheries Statistics. It is expected that these measures will improve the reliability of the data collected.

The data collection will be mandatory for those selected to report, and non-reporting boats could have their permits revoked. This is a severe method of dealing with non-response, and we do not plan to invoke it unless non-response seriously jeopardizes the representativeness and applicability of the data for their intended use in analyses of proposed fishery regulations.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

The SEFSC will monitor and evaluate the economic data collection program to enhance the quality of data, and will modify data base design, scanning and processing procedures, and methods of quality control as needed.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

James Waters, industry economist employed by the NMFS, identified the sampling universe to be studied and prepared the sampling design.⁵ Data will be collected in conjunction with the existing logbook data collection program, which is conducted from the NMFS Southeast Fisheries Science Center in Miami, Florida.⁶ Data will be used primarily in analyses of proposed

⁸James R. Waters, National Marine Fisheries Service, Center for Coastal Fisheries and Habitat Research, 101 Pivers Island Road, Beaufort, NC 28516. Telephone: 252-728-8710.

⁹ National Marine Fisheries Service, Logbook Program, P.O. Box 491500, Key Biscayne, FL 33149-9916.

regulations by economists employed by the NMFS (e.g., Waters), the South Atlantic Fishery Management Council, and the Gulf of Mexico Fishery Management Council.

Appendix A

SEFSC Logbook Trip-Reporting Form for 2003

Proposed Changes for 2005:

- Remove price column from Catch Section
- Add “Total Trip Revenues” to Trip Expense and Payment Section

Signature: _____

Phone No. () - _____

Schedule No. **NMFS Use Only**Vessel
No.: _____Start
Date: _____

MM DD YY

County
or Parish: _____Vessel
Name: _____Unload
Date: _____

MM DD YY

State: _____

Dealer
Number:
(if known) _____State Trip
Ticket No.:
(if known) _____Days at
Sea: _____

No of Crew: _____

Dealer
Name: _____**GEAR SECTION:**See Instructions
on page 2.

Check gear box and fill in all the boxes below.

Date Received:
NMFS use only

<input type="checkbox"/> Traps (T)	<input type="checkbox"/> Longline (L)	<input type="checkbox"/> Gill Net (GN)	<input type="checkbox"/> Rod & Reel / Handline (H)	<input type="checkbox"/> Electric Reel / Bandit (E)	<input type="checkbox"/> Trolling (TR)	<input type="checkbox"/> Divers (S) (P)
# Traps Used	# Sets	Length (yds)	# Lines	# Lines	# Lines	# Divers
# Hauls	# Hooks per Line	Depth (yds)	# Hooks per Line	# Hooks per Line	# Hooks per Line	Hours
Total Soak Time (hrs)	Length (Miles)	Mesh	Total Hrs Fished	Total Hrs Fished	Total Hrs Fished	
Mesh: X / X	Total Soak Time (hrs)	Total Soak Time (hrs)	<input type="checkbox"/> Other Gear: (O) _____		Total Hrs Fished	

CATCH SECTION:See Instructions
on page 3* **Weight** record pounds sold (Do not include fractions of pounds) GUTTED OR WHOLE* **Gear** Record code as T, L, GN, H, E, TR, S, P or O. * **Area** codes can be found on maps in logbook (Page 5)* **Price** record price per pound for fish sold

Species Name	NMFS CODE	Gutted	Whole	Gear Code	Area	Price \$	Species Name	NMFS CODE	Gutted	Whole	Gear Code	Area	Price \$
J. A. - Greater	1812						Black - Jumbo	3360					
A. - Lesser	1815						Black - Large	3360					
Almaco	1810						Black - Med.	3360					
Banded Rudderfish	1817						Black - Small	3360					
Crevalle	0870						Jolthead	3312					
Cobia	0570						Knobbed	3308					
Dolphin	1050						Red	3302					
Black	1422						Whitebone	3306					
Gad	1423						Blacknose	3485					
Misty	1420						Blacktip	3495					
Red	1416						Bonnethead	3483					
Scamp	1424						Bul	3497					
Snowy - Large	1414						Dusky	3514					
Snowy - Med.	1414						Finetooth	3481					
Snowy - Small	1414						Lemon	3517					
Yellowedge	1415						Sandbar	3513					
Yellowfin	1426						Shamnose	3518					
Red Hind	1413						Blackfin	3757					
Rock Hind	1412						Lane	3761					
Speckled Hind	1411						Mangrove	3762					
Bluestriped	1444						Mutton	3763					
French	1445						Queen	3770					
White	1441						Red	3764					
Margate	1442						Silk / Yelloweye	3758					
Black Margate	1443						Vermilion > 2#	3765					
Grunts Unc.	1440						Vermilion 1 - 2 #	3765					
King Mackerel	1940						Yellowtail	3767					
Spanish Mackerel	3840						Gray Triggerfish	4561					
Hoofish	1790						Ocean Triggerfish	4562					
Wahoo	4710						Queen Triggerfish	4563					
Bluefish	0230						Blueline Tilefish	4474					
Blue runner	0270						Golden Tilefish Lg.	4470					
Barracuda	0180						Golden Tilefish Md.	4470					
White Sea Trout	3455						Golden Tilefish Sm.	4470					
Puffer / Blowfish	2760												
Hake	1550												

TRIP EXPENSE & PAYMENT SECTION:

See Instructions on the bottom of page 3.

*Record all the information below

Fuel: Gal. of Fuel Used This Trip	Price per Gallon	\$	Trip Fuel Cost (Approximate)	\$
Pounds Of Frozen or Dead Bait	Number Of Live Bait		Trip Bait Cost (Approximate)	\$
Ice: Pounds Used	Total Ice Cost (Approximate)	\$	Other Trip Expense (Approximate)	\$
Owner on Board: Yes <input type="checkbox"/> No <input type="checkbox"/>	Wages Paid To Captain & Crew	\$	Do Payments Include Captain's Share? Yes <input type="checkbox"/> No <input type="checkbox"/>	

RETAIN THIS COPY FOR YOUR RECORDS

Appendix B

Annual Expenditures Form for 2002

(The PRA Statement was included in the instructions to fishermen.)

2003 ANNUAL EXPENDITURES

Boat Registration or Vessel Documentation Number:

--	--	--	--	--	--	--	--	--	--

FISHING ANNUAL EXPENDITURES**(Please report expenses to the nearest dollar)**

1. Types of fishing in 2003: Bottom Fishing ☐ Trolling ☐ Chartering ☐ Other ☐
2. Tackle and Supply Expenses for all fishing
(including hooks, line, clips, weights, and other supplies) \$.
3. Repair and Maintenance Expenses
(include hull, engine, gear, electronics, safety equipment, etc.) \$.
4. Does this include haulouts? YES ☐ NO ☐
5. Purchases of Gear & Capital
(include gear, engine, electronics, safety equipment, anchors, etc.) \$.
6. Boat Dockage/Rent and Utility Expenses \$.
7. Insurance: Hull and P&I \$.
8. Does this include hull insurance? YES ☐ NO ☐
9. Does this include P&I insurance? YES ☐ NO ☐
10. Commercial Fishing Licenses & Permits \$.
11. Boat Loan & Business Loan Payments
(or share of business loan payments associated with this vessel) \$.

SHARE OF OTHER BUSINESS EXPENSES PAID BY VESSEL

12. Business taxes paid by vessel (include property and income taxes) \$.
13. Office Expenses (rent, accounting, legal, utilities, etc.) \$.
14. Car and Truck Expenses
(Vehicle repair, maintenance, loan payments, lease expenses) \$.
15. Other annual or one-time-only expenditures paid by vessel
(include business travel expenses, health insurance, relocation expenses, etc.) \$.

END OF YEAR ACTIVITY REPORT

16. Number of days this vessel was used for commercial fishing and chartering: **DAYS**
17. Vessel's annual gross revenues from commercial and charter fishing \$.

Please return completed form to:
National Marine Fisheries Service
Logbook Program
P.O. Box 491500
Key Biscayne, FL 33149-9916

Appendix C

Proposed Revision to Annual Form

(Some additional formatting needs to be made.)

2004 ANNUAL EXPENDITURES

Boat Registration or Vessel Documentation Number:

--	--	--	--	--	--	--	--	--	--

ANNUAL FISHING EXPENDITURES**(Please report expenses to the nearest dollar)**

1. Types of fishing in 2004:	Bottom Fishing <input type="checkbox"/>	Trolling <input type="checkbox"/>	Chartering <input type="checkbox"/>	Other <input type="checkbox"/>																
2. Fuel and oil expenses	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
0	0																			
3. Tackle and fishing supplies (including hooks, line, clips, weights, and other fishing supplies)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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4. Bait, ice, food, boots, gloves, and other expenses	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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5. Payments for hired captain and crew (shares, wages, etc.)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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6. Repair and maintenance expenses (include hull, engine, gear, electronics, safety equipment, etc.)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
0	0																			
7. Does this include haulouts?	YES <input type="checkbox"/>	NO <input type="checkbox"/>																		
8. Purchases of Gear & Capital (include gear, engine, electronics, safety equipment, anchors, etc.)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
0	0																			
9. Boat Dockage/Rent and Utility Expenses	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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10. Insurance: Hull and P&I	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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11. Does this include hull insurance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>																		
12. Does this include P&I insurance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>																		
13. Commercial Fishing Licenses & Permits	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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14. Boat Loan & Business Loan Payments (or share of business loan payments associated with this vessel)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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SHARE OF OTHER BUSINESS EXPENSES PAID BY VESSEL

15. Business taxes paid by vessel (include property and income taxes)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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16. Office Expenses (rent, accounting, legal, utilities, etc.)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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17. Car and Truck Expenses (Vehicle repair, maintenance, loan payments, lease expenses)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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18. Other annual or one-time-only expenditures paid by vessel (include business travel expenses, health insurance, relocation expenses, etc.)	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
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END OF YEAR ACTIVITY REPORT

19. Number of days this vessel was used for commercial fishing and chartering:	<table><tr><td></td><td></td><td></td></tr></table>				DAYS															
20. Vessel's annual gross revenues from commercial and charter fishing	\$	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													.	<table><tr><td>0</td><td>0</td></tr><tr><td></td><td></td></tr></table>	0	0		
0	0																			

Please return completed form to:
National Marine Fisheries Service
Logbook Program
P.O. Box 491500
Key Biscayne, FL 33149-9916

I certify that the information contained on this form is accurate and complete to the best of my knowledge:

Signature of person completing report _____

Printed name of person signing report _____ Phone Number (____)_____

PAPERWORK REDUCTION ACT STATEMENT:

Public reporting burden for this collection of information is estimated to average 30 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. This reporting is required under and is authorized under 50 CFR 622.5(a)(1)(v). Information submitted will be treated as confidential in accordance with NOAA Administrative Order 216-100. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. These data will be used to evaluate the economic effects of proposed regulations in the fishery.

Attachment 1

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

50 CFR Part 622

Fisheries of the Caribbean, Gulf of Mexico, and south Atlantic

July 15, 2004

NOTE: THE FOLLOWING IS AN UNOFFICIAL COMPILATION OF FEDERAL REGULATIONS PREPARED IN THE SOUTHEAST REGIONAL OFFICE OF THE NATIONAL MARINE FISHERIES SERVICE FOR THE INFORMATION AND CONVENIENCE OF INTERESTED PERSONS. IT DOES NOT INCLUDE CHANGES TO THESE REGULATIONS THAT MAY HAVE OCCURRED AFTER THE DATE INDICATED ABOVE.

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service (NMFS)
50 CFR Part 622

PART 622--FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

TABLE OF CONTENTS

Subpart A--General Provisions	3
§ 622.1 Purpose and scope.	3
§ 622.2 Definitions and acronyms.	5
§ 622.3 Relation to other laws and regulations.	12
§ 622.4 Permits and fees.	13
§ 622.5 Recordkeeping and reporting.	37
§ 622.6 Vessel and gear identification.	44
§ 622.7 Prohibitions.	46
§ 622.8 At-sea observer coverage.	48
§ 622.9 Vessel monitoring systems (VMSs).	49
 Subpart B--Effort Limitations	 50
§ 622.15 Wreckfish individual transferable quota (ITQ) system.	50
§ 622.16 [Suspended indefinitely]	53
§ 622.17 South Atlantic golden crab controlled access.	53
§ 622.18 South Atlantic snapper-grouper limited access.	55
§ 622.19 South Atlantic rock shrimp limited access.	59
 Subpart C--Management Measures	 63
§ 622.30 Fishing years.	63
§ 622.31 Prohibited gear and methods.	63
§ 622.32 Prohibited and limited-harvest species.	65
§ 622.33 Caribbean EEZ seasonal and/or area closures.	67
§ 622.34 Gulf EEZ seasonal and/or area closures.	69
§ 622.35 Atlantic EEZ seasonal and/or area closures.	77
§ 622.36 Seasonal harvest limitations.	84
§ 622.37 Size limits.	85
§ 622.38 Landing fish intact.	87

§ 622.39	Bag and possession limits.	88
§ 622.40	Limitations on traps and pots.	92
§ 622.41	Species specific limitations.	96
§ 622.42	Quotas.	106
§ 622.43	Closures.	108
§ 622.44	Commercial trip limits.	110
§ 622.45	Restrictions on sale/purchase.	115
§ 622.46	Prevention of gear conflicts.	119
§ 622.47	Gulf groundfish trawl fishery.	119
§ 622.48	Adjustment of management measures.	120
Appendix A to Part 622--Species Tables		122
Appendix B to Part 622--Gulf Areas		136
Appendix C to Part 622--Fish Length Measurements		139
Appendix D to Part 622--Specifications for Certified BRDs		141

PART 622--FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

Subpart A--General Provisions

Sec.

- 622.1 Purpose and scope.
- 622.2 Definitions and acronyms.
- 622.3 Relation to other laws and regulations.
- 622.4 Permits and fees.
- 622.5 Recordkeeping and reporting.
- 622.6 Vessel and gear identification.
- 622.7 Prohibitions.
- 622.8 At-sea observer coverage.

Subpart B--Effort Limitations

- 622.15 Wreckfish individual transferable quota (ITQ) system.
- 622.16 [Suspended indefinitely]
- 622.17 South Atlantic golden crab controlled access.
- 622.18 South Atlantic snapper-grouper limited access.
- 622.19 South Atlantic rock shrimp limited access.

Subpart C--Management Measures

- 622.30 Fishing years.
- 622.31 Prohibited gear and methods.
- 622.32 Prohibited and limited-harvest species.
- 622.33 Caribbean EEZ seasonal and/or area closures.
- 622.34 Gulf EEZ seasonal and/or area closures.
- 622.35 South Atlantic EEZ seasonal and/or area closures.
- 622.36 Seasonal harvest limitations.
- 622.37 Minimum sizes.

622.38 Landing fish intact.
622.39 Bag and possession limits.
622.40 Limitations on traps and pots.
622.41 Species specific limitations.
622.42 Quotas.
622.43 Closures.
622.44 Commercial trip limits.
622.45 Restrictions on sale/purchase.
622.46 Prevention of gear conflicts.
622.47 Gulf groundfish trawl fishery.
622.48 Adjustment of management measures.

Appendix A to Part 622--Species Tables

Appendix B to Part 622--Gulf Areas

Appendix C to Part 622--Fish Length Measurements

Appendix D to Part 622--Specifications for Certified BRDs

Authority: 16 U.S.C. 1801 et seq.

Subpart A--General Provisions

[skip to section 622.5]

§ 622.5 Recordkeeping and reporting.

Participants in fisheries governed in this part are required to keep records and report as follows.

(a) Commercial vessel owners and operators--(1) Requirements by species--(i) Coastal migratory pelagic fish. The owner or operator of a vessel that fishes for or lands coastal migratory pelagic fish for sale in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ or adjoining state waters, or whose vessel is issued a commercial permit for king or Spanish mackerel, as required under § 622.4(a)(2)(iii) or (iv), who is selected to report by the SRD, must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(ii) Gulf reef fish. The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), or whose vessel fishes for or lands reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(A) Fish traps. In addition to the other reporting requirements in paragraph (a)(1)(ii) of this section, the owner or operator of a vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i), must comply with the following requirements.

(1) Inspection. The RA will establish a 1-month period for mandatory inspection of all fish trap gear, permits, and vessels. The RA will provide written notification of the inspection period

to each owner of a vessel for which a fish trap endorsement has been issued as required under § 622.4(a)(2)(i). Each such owner or operator must contact the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL (SAC) or his designee by telephone (727-570-5344) to schedule an inspection during the 1-month period. Requests for inspection must be made between 8:00 a.m. and 4:30 p.m. Monday through Friday and must be made at least 72 hours in advance of the desired inspection date. Inspections will be conducted Monday through Friday between 8:00 a.m. and 4:30 p.m. only. On the inspection date, the owner or operator must make all fish trap gear with attached trap tags and buoys and all applicable permits available for inspection on land. Vessels must also be made available for inspection as directed by the SAC or his designee. Upon completion of the inspection and a determination that all fish trap gear, permits, and vessels are in compliance, an owner or operator may resume fishing with the lawful gear. However, an owner or operator who fails to comply with the inspection requirements during the 1-month inspection period or during any other random inspection may not use or possess a fish trap in the Gulf EEZ until the required inspection or reinspection, as directed by the SAC, has been completed and all fish trap gear, permits, and vessels are determined to be in compliance with all applicable regulations.

(2) Trip reports. For each fishing trip on which a fish trap will be used or possessed, an owner or operator of a vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i), must submit a trip initiation report and a trip termination report to the SAC or his designee, by telephone, using the following 24-hour toll-free number--800-305-0697.

(i) Trip initiation report. The trip initiation report must be submitted before beginning the trip and must include: vessel name; official number; number of traps to be deployed; sequence of trap tag numbers; date, time, and point of departure; and intended time and date of trip termination.

(ii) Trip termination report. The trip termination report must be submitted immediately upon returning to port and prior to any offloading of catch or fish traps. The trip termination report must include: vessel name; official number; name and address of dealer where catch will be offloaded and sold; the time offloading will begin; notification of any lost traps; and notification of any traps left deployed for any reason.

(B) [Reserved]

(iii) Gulf shrimp. The owner or operator of a vessel that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition

(heads on/heads off), fishing areas and depths, and person to whom sold.

(iv) South Atlantic snapper-grouper. (A) The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), or whose vessel fishes for or lands South Atlantic snapper-grouper in or from state waters adjoining the South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(B) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(C) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(v) South Atlantic golden crab. The owner or operator of a vessel for which a commercial permit for golden crab has been issued, as required under § 622.4(a)(2)(x), who is selected to report by the SRD must maintain a fishing record on a form available from the SRD.

[The following paragraph, (vi), is effective on and after 9/24/04.]

(vi) Atlantic dolphin and wahoo. The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued, as required under § 622.4 (a)(2)(xii), or whose vessel fishes for or lands Atlantic dolphin or wahoo in or from state waters adjoining the Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(2) Reporting deadlines. (i) **[The following sentence is effective through 9/23/04.]** Completed fishing records required by paragraphs (a)(1)(i), (ii), and (iv) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. **[The following sentence is effective on and after 9/24/04.]** Completed fishing records required by paragraphs (a)(1)(i), (ii), (iv), and (vi) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(ii) Reporting forms required in paragraph (a)(1)(v) of this

section must be submitted to the SRD postmarked not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(b) Charter vessel/headboat owners and operators--**[The following paragraph, (1), is effective through 9/23/04.]** (1) Coastal migratory pelagic fish, reef fish, and snapper-grouper. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, or South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, or snapper-grouper in or from state waters adjoining the Gulf or South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

[The following paragraph, (1), is effective on and after 9/24/04.] (1) Coastal migratory pelagic fish, reef fish, snapper-grouper, and Atlantic dolphin and wahoo. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper-grouper, or Atlantic dolphin and wahoo has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(2) Reporting deadlines--(i) Charter vessels. Completed fishing records required by paragraph (b)(1) of this section for charter vessels must be submitted to the SRD weekly, postmarked not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) Headboats. Completed fishing records required by paragraph (b)(1) of this section for headboats must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(c) Dealers--(1) Coastal migratory pelagic fish. (i) A person who purchases coastal migratory pelagic fish from a

fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters who is selected to report by the SRD must submit information on forms provided by the SRD. This information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no coastal migratory pelagic fish were received during a calendar month, a report so stating must be submitted on one of the forms, in accordance with the instructions on the form, and must be postmarked not later than 5 days after the end of the month. The information to be reported is as follows:

- (A) Dealer's or processor's name and address.
- (B) County where fish were landed.
- (C) Total poundage of each species received during that month, or other requested interval.
- (D) Average monthly price paid for each species.
- (E) Proportion of total poundage landed by each gear type.
- (ii) Alternate SRD. For the purposes of paragraph (c)(1)(i) of this section, in the states from New York through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS (see Table 1 of § 600.502 of this chapter), or a designee.

(2) Gulf red drum. A dealers or processor who purchases red drum harvested from the Gulf who is selected to report by the SRD must report to the SRD such information as the SRD may request and in the form and manner as the SRD may require. The information required to be submitted must include, but is not limited to, the following:

- (i) Dealer's or processor's name and address.
- (ii) State and county where red drum were landed.
- (iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(3) Gulf reef fish. A person who purchases Gulf reef fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters must maintain records and submit information as follows:

(i) A dealer must maintain at his/her principal place of business a record of Gulf reef fish that he/she receives. The record must contain the name of each fishing vessel from which reef fish were received and the date, species, and quantity of each receipt. A dealer must retain such record for at least 1 year after receipt date and must provide such record for inspection upon the request of an authorized officer or the SRD.

(ii) When requested by the SRD, a dealer must provide information from his/her record of Gulf reef fish received the total poundage of each species received during the month, average monthly price paid for each species by market size, and proportion of total poundage landed by each gear type. This information must be provided on forms available from the SRD and

must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no reef fish were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month.

(iii) The operator of a car or truck that is used to pick up from a fishing vessel reef fish harvested from the Gulf must maintain a record containing the name of each fishing vessel from which reef fish on the car or truck have been received. The vehicle operator must provide such record for inspection upon the request of an authorized officer.

(4) Gulf shrimp. A person who purchases shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide the following information when requested by the SRD:

(i) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.

(ii) Amount of shrimp received by species and size category for each receipt.

(iii) Exvessel value, by species and size category, for each receipt.

(5) South Atlantic snapper-grouper. (i) A person who purchases South Atlantic snapper-grouper that were harvested from the EEZ or from adjoining state waters and who is selected to report by the SRD and a dealer who has been issued a dealer permit for wreckfish, as required under § 622.4(a)(4), must provide information on receipts of South Atlantic snapper-grouper and prices paid, by species, on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no South Atlantic snapper-grouper were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month. However, during complete months encompassed by the wreckfish spawning-season closure (that is, February and March), a wreckfish dealer is not required to submit a report stating that no wreckfish were received.

(ii) A dealer reporting South Atlantic snapper-grouper other than wreckfish may submit the information required in paragraph (c)(5)(i) of this section via facsimile (fax).

(iii) A dealer who has been issued a dealer permit for wreckfish, as required under § 622.4(a)(4), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(6) South Atlantic golden crab. A dealer who receives from a fishing vessel golden crab harvested from the South Atlantic EEZ and who is selected by the SRD must provide information on receipts of, and prices paid for, South Atlantic golden crab to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD.

(7) South Atlantic rock shrimp. (i) A dealer who has been issued a permit for rock shrimp, as required under § 622.4(a)(4), and who is selected by the SRD must provide information on receipts of rock shrimp and prices paid on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals postmarked not later than 5 days after the end of each month. Reporting frequencies and reporting deadlines may be modified upon notification by the SRD.

(ii) On demand, a dealer who has been issued a dealer permit for rock shrimp, as required under § 622.4(a)(4), must make available to an authorized officer all records of offloadings, purchases, or sales of rock shrimp.

[The following paragraph, (8), is effective on and after 9/24/04.]

(8) Atlantic dolphin and wahoo. (i) A dealer who has been issued a permit for Atlantic dolphin and wahoo, as required under § 622.4(a)(4), and who is selected by the SRD must provide information on receipts of Atlantic dolphin and wahoo and prices paid on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals postmarked not later than 5 days after the end of each month. Reporting frequencies and reporting deadlines may be modified upon notification by the SRD.

(ii) For the purposes of paragraph (c)(8)(i) of this section, in the states from Maine through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS, (see Table 1 of § 600.502 of this chapter), or a designee.

(iii) On demand, a dealer who has been issued a dealer permit for Atlantic dolphin and wahoo, as required under § 622.4(a)(4), must make available to an authorized officer all records of offloadings, purchases, or sales of dolphin and wahoo.

(d) Individuals with coral or live rock permits. (1) An individual with a Federal allowable octocoral permit must submit a report of harvest to the SRD. Specific reporting requirements will be provided with the permit.

(2) A person with a Federal aquacultured live rock permit must report to the RA each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(i) Permit number of site and date of deposit.

(ii) Geological origin of material deposited.

(iii) Amount of material deposited.

(iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(3) A person who takes aquacultured live rock must submit a report of harvest to the RA. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(e) Additional data and inspection. Additional data will be collected by authorized statistical reporting agents and by authorized officers. A person who fishes for or possesses species in or from the EEZ governed in this part is required to make the applicable fish or parts thereof available for inspection by the SRD or an authorized officer upon request.

(f) Commercial vessel, charter vessel, and headboat inventory. The owner or operator of a commercial vessel, charter vessel, or headboat operating in a fishery governed in this part who is not selected to report by the SRD under paragraph (a) or (b) of this section must provide the following information when interviewed by the SRD:

(1) Name and official number of vessel and permit number, if applicable.

(2) Length and tonnage.

(3) Current home port.

(4) Fishing areas.

(5) Ports where fish were offloaded during the last year.

(6) Type and quantity of gear.

(7) Number of full- and part-time fishermen or crew members.

Attachment 2

The President
Executive Order 12866
Regulatory Planning and Review

Federal Register, Vol. 58, No. 190, 51735
(Monday, October 4, 1993)

Federal Register

Monday
October 4, 1993

Part VIII

The President

Executive Order 12866—Regulatory
Planning and Review

Presidential Documents

Title 3—

Executive Order 12866 of September 30, 1993

The President

Regulatory Planning and Review

The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a regulatory system today.

With this Executive order, the Federal Government begins a program to reform and make more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public. In pursuing these objectives, the regulatory process shall be conducted so as to meet applicable statutory requirements and with due regard to the discretion that has been entrusted to the Federal agencies.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Statement of Regulatory Philosophy and Principles. (a) *The Regulatory Philosophy.* Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

(b) *The Principles of Regulation.* To ensure that the agencies' regulatory programs are consistent with the philosophy set forth above, agencies should adhere to the following principles, to the extent permitted by law and where applicable:

(1) Each agency shall identify the problem that it intends to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation

is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

(4) In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

(5) When an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

(6) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

(7) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

(8) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

(9) Wherever feasible, agencies shall seek views of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of Federal regulations on State, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize Federal regulatory actions with related State, local, and tribal regulatory and other governmental functions.

(10) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

(11) Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

(12) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

Sec. 2. Organization. An efficient regulatory planning and review process is vital to ensure that the Federal Government's regulatory system best serves the American people.

(a) *The Agencies.* Because Federal agencies are the repositories of significant substantive expertise and experience, they are responsible for developing regulations and assuring that the regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order.

(b) *The Office of Management and Budget.* Coordinated review of agency rulemaking is necessary to ensure that regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order, and that decisions made by one agency do not conflict with the policies or actions taken or planned by another agency. The Office of Management and Budget (OMB) shall carry out that review function. Within OMB, the Office of Information and Regulatory Affairs (OIRA) is the repository of expertise concerning regulatory issues, including methodologies and procedures that affect more than one agency, this Executive order, and the President's regulatory policies. To the extent permitted by law, OMB shall provide guidance to agencies and assist the President, the Vice President, and other regulatory policy advisors to the President in regulatory planning and shall be the entity that reviews individual regulations, as provided by this Executive order.

(c) *The Vice President.* The Vice President is the principal advisor to the President on, and shall coordinate the development and presentation of recommendations concerning, regulatory policy, planning, and review, as set forth in this Executive order. In fulfilling their responsibilities under this Executive order, the President and the Vice President shall be assisted by the regulatory policy advisors within the Executive Office of the President and by such agency officials and personnel as the President and the Vice President may, from time to time, consult.

Sec. 3. Definitions. For purposes of this Executive order: (a) "Advisors" refers to such regulatory policy advisors to the President as the President and Vice President may from time to time consult, including, among others: (1) the Director of OMB; (2) the Chair (or another member) of the Council of Economic Advisers; (3) the Assistant to the President for Economic Policy; (4) the Assistant to the President for Domestic Policy; (5) the Assistant to the President for National Security Affairs; (6) the Assistant to the President for Science and Technology; (7) the Assistant to the President for Intergovernmental Affairs; (8) the Assistant to the President and Staff Secretary; (9) the Assistant to the President and Chief of Staff to the Vice President; (10) the Assistant to the President and Counsel to the President; (11) the Deputy Assistant to the President and Director of the White House Office on Environmental Policy; and (12) the Administrator of OIRA, who also shall coordinate communications relating to this Executive order among the agencies, OMB, the other Advisors, and the Office of the Vice President.

(b) "Agency," unless otherwise indicated, means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(c) "Director" means the Director of OMB.

(d) "Regulation" or "rule" means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. It does not, however, include:

(1) Regulations or rules issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(2) Regulations or rules that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(3) Regulations or rules that are limited to agency organization, management, or personnel matters; or

(4) Any other category of regulations exempted by the Administrator of OIRA.

(e) "Regulatory action" means any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected

to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

(f) "Significant regulatory action" means any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Sec. 4. Planning Mechanism. In order to have an effective regulatory program, to provide for coordination of regulations, to maximize consultation and the resolution of potential conflicts at an early stage, to involve the public and its State, local, and tribal officials in regulatory planning, and to ensure that new or revised regulations promote the President's priorities and the principles set forth in this Executive order, these procedures shall be followed, to the extent permitted by law: (a) *Agencies' Policy Meeting.* Early in each year's planning cycle, the Vice President shall convene a meeting of the Advisors and the heads of agencies to seek a common understanding of priorities and to coordinate regulatory efforts to be accomplished in the upcoming year.

(b) *Unified Regulatory Agenda.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). Each agency shall prepare an agenda of all regulations under development or review, at a time and in a manner specified by the Administrator of OIRA. The description of each regulatory action shall contain, at a minimum, a regulation identifier number, a brief summary of the action, the legal authority for the action, any legal deadline for the action, and the name and telephone number of a knowledgeable agency official. Agencies may incorporate the information required under 5 U.S.C. 602 and 41 U.S.C. 402 into these agendas.

(c) *The Regulatory Plan.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). (1) As part of the Unified Regulatory Agenda, beginning in 1994, each agency shall prepare a Regulatory Plan (Plan) of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year or thereafter. The Plan shall be approved personally by the agency head and shall contain at a minimum:

(A) A statement of the agency's regulatory objectives and priorities and how they relate to the President's priorities;

(B) A summary of each planned significant regulatory action including, to the extent possible, alternatives to be considered and preliminary estimates of the anticipated costs and benefits;

(C) A summary of the legal basis for each such action, including whether any aspect of the action is required by statute or court order;

(D) A statement of the need for each such action and, if applicable, how the action will reduce risks to public health, safety, or the environment, as well as how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency;

(E) The agency's schedule for action, including a statement of any applicable statutory or judicial deadlines; and

(F) The name, address, and telephone number of a person the public may contact for additional information about the planned regulatory action.

(2) Each agency shall forward its Plan to OIRA by June 1st of each year.

(3) Within 10 calendar days after OIRA has received an agency's Plan, OIRA shall circulate it to other affected agencies, the Advisors, and the Vice President.

(4) An agency head who believes that a planned regulatory action of another agency may conflict with its own policy or action taken or planned shall promptly notify, in writing, the Administrator of OIRA, who shall forward that communication to the issuing agency, the Advisors, and the Vice President.

(5) If the Administrator of OIRA believes that a planned regulatory action of an agency may be inconsistent with the President's priorities or the principles set forth in this Executive order or may be in conflict with any policy or action taken or planned by another agency, the Administrator of OIRA shall promptly notify, in writing, the affected agencies, the Advisors, and the Vice President.

(6) The Vice President, with the Advisors' assistance, may consult with the heads of agencies with respect to their Plans and, in appropriate instances, request further consideration or inter-agency coordination.

(7) The Plans developed by the issuing agency shall be published annually in the October publication of the Unified Regulatory Agenda. This publication shall be made available to the Congress; State, local, and tribal governments; and the public. Any views on any aspect of any agency Plan, including whether any planned regulatory action might conflict with any other planned or existing regulation, impose any unintended consequences on the public, or confer any unclaimed benefits on the public, should be directed to the issuing agency, with a copy to OIRA.

(d) *Regulatory Working Group.* Within 30 days of the date of this Executive order, the Administrator of OIRA shall convene a Regulatory Working Group ("Working Group"), which shall consist of representatives of the heads of each agency that the Administrator determines to have significant domestic regulatory responsibility, the Advisors, and the Vice President. The Administrator of OIRA shall chair the Working Group and shall periodically advise the Vice President on the activities of the Working Group. The Working Group shall serve as a forum to assist agencies in identifying and analyzing important regulatory issues (including, among others (1) the development of innovative regulatory techniques, (2) the methods, efficacy, and utility of comparative risk assessment in regulatory decision-making, and (3) the development of short forms and other streamlined regulatory approaches for small businesses and other entities). The Working Group shall meet at least quarterly and may meet as a whole or in subgroups of agencies with an interest in particular issues or subject areas. To inform its discussions, the Working Group may commission analytical studies and reports by OIRA, the Administrative Conference of the United States, or any other agency.

(e) *Conferences.* The Administrator of OIRA shall meet quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those governmental entities. The Administrator of OIRA shall also convene, from time to time, conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

Sec. 5. Existing Regulations. In order to reduce the regulatory burden on the American people, their families, their communities, their State, local, and tribal governments, and their industries; to determine whether regula-

tions promulgated by the executive branch of the Federal Government have become unjustified or unnecessary as a result of changed circumstances; to confirm that regulations are both compatible with each other and not duplicative or inappropriately burdensome in the aggregate; to ensure that all regulations are consistent with the President's priorities and the principles set forth in this Executive order, within applicable law; and to otherwise improve the effectiveness of existing regulations: (a) Within 90 days of the date of this Executive order, each agency shall submit to OIRA a program, consistent with its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified or eliminated so as to make the agency's regulatory program more effective in achieving the regulatory objectives, less burdensome, or in greater alignment with the President's priorities and the principles set forth in this Executive order. Any significant regulations selected for review shall be included in the agency's annual Plan. The agency shall also identify any legislative mandates that require the agency to promulgate or continue to impose regulations that the agency believes are unnecessary or outdated by reason of changed circumstances.

(b) The Administrator of OIRA shall work with the Regulatory Working Group and other interested entities to pursue the objectives of this section. State, local, and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.

(c) The Vice President, in consultation with the Advisors, may identify for review by the appropriate agency or agencies other existing regulations of an agency or groups of regulations of more than one agency that affect a particular group, industry, or sector of the economy, or may identify legislative mandates that may be appropriate for reconsideration by the Congress.

Sec. 6. Centralized Review of Regulations. The guidelines set forth below shall apply to all regulatory actions, for both new and existing regulations, by agencies other than those agencies specifically exempted by the Administrator of OIRA:

(a) *Agency Responsibilities.* (1) Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days. Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

(2) Within 60 days of the date of this Executive order, each agency head shall designate a Regulatory Policy Officer who shall report to the agency head. The Regulatory Policy Officer shall be involved at each stage of the regulatory process to foster the development of effective, innovative, and least burdensome regulations and to further the principles set forth in this Executive order.

(3) In addition to adhering to its own rules and procedures and to the requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and other applicable law, each agency shall develop its regulatory actions in a timely fashion and adhere to the following procedures with respect to a regulatory action:

(A) Each agency shall provide OIRA, at such times and in the manner specified by the Administrator of OIRA, with a list of its planned regulatory actions, indicating those which the agency believes are significant regulatory

actions within the meaning of this Executive order. Absent a material change in the development of the planned regulatory action, those not designated as significant will not be subject to review under this section unless, within 10 working days of receipt of the list, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of this Executive order. The Administrator of OIRA may waive review of any planned regulatory action designated by the agency as significant, in which case the agency need not further comply with subsection (a)(3)(B) or subsection (a)(3)(C) of this section.

(B) For each matter identified as, or determined by the Administrator of OIRA to be, a significant regulatory action, the issuing agency shall provide to OIRA:

(i) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and

(ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

(C) For those matters identified as, or determined by the Administrator of OIRA to be, a significant regulatory action within the scope of section 3(f)(1), the agency shall also provide to OIRA the following additional information developed as part of the agency's decision-making process (unless prohibited by law):

(i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias) together with, to the extent feasible, a quantification of those benefits;

(ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action (such as, but not limited to, the direct cost both to the government in administering the regulation and to businesses and others in complying with the regulation, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment), together with, to the extent feasible, a quantification of those costs; and

(iii) An assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation, identified by the agencies or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

(D) In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify OIRA as soon as possible and, to the extent practicable, comply with subsections (a)(3)(B) and (C) of this section. For those regulatory actions that are governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule rulemaking proceedings so as to permit sufficient time for OIRA to conduct its review, as set forth below in subsection (b)(2) through (4) of this section.

(E) After the regulatory action has been published in the Federal Register or otherwise issued to the public, the agency shall:

(i) Make available to the public the information set forth in subsections (a)(3)(B) and (C);

(ii) Identify for the public, in a complete, clear, and simple manner, the substantive changes between the draft submitted to OIRA for review and the action subsequently announced; and

(iii) Identify for the public those changes in the regulatory action that were made at the suggestion or recommendation of OIRA.

(F) All information provided to the public by the agency shall be in plain, understandable language.

(b) *OIRA Responsibilities.* The Administrator of OIRA shall provide meaningful guidance and oversight so that each agency's regulatory actions are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order and do not conflict with the policies or actions of another agency. OIRA shall, to the extent permitted by law, adhere to the following guidelines:

(1) OIRA may review only actions identified by the agency or by OIRA as significant regulatory actions under subsection (a)(3)(A) of this section.

(2) OIRA shall waive review or notify the agency in writing of the results of its review within the following time periods:

(A) For any notices of inquiry, advance notices of proposed rulemaking, or other preliminary regulatory actions prior to a Notice of Proposed Rulemaking, within 10 working days after the date of submission of the draft action to OIRA;

(B) For all other regulatory actions, within 90 calendar days after the date of submission of the information set forth in subsections (a)(3)(B) and (C) of this section, unless OIRA has previously reviewed this information and, since that review, there has been no material change in the facts and circumstances upon which the regulatory action is based, in which case, OIRA shall complete its review within 45 days; and

(C) The review process may be extended (1) once by no more than 30 calendar days upon the written approval of the Director and (2) at the request of the agency head.

(3) For each regulatory action that the Administrator of OIRA returns to an agency for further consideration of some or all of its provisions, the Administrator of OIRA shall provide the issuing agency a written explanation for such return, setting forth the pertinent provision of this Executive order on which OIRA is relying. If the agency head disagrees with some or all of the bases for the return, the agency head shall so inform the Administrator of OIRA in writing.

(4) Except as otherwise provided by law or required by a Court, in order to ensure greater openness, accessibility, and accountability in the regulatory review process, OIRA shall be governed by the following disclosure requirements:

(A) Only the Administrator of OIRA (or a particular designee) shall receive oral communications initiated by persons not employed by the executive branch of the Federal Government regarding the substance of a regulatory action under OIRA review;

(B) All substantive communications between OIRA personnel and persons not employed by the executive branch of the Federal Government regarding a regulatory action under review shall be governed by the following guidelines: (i) A representative from the issuing agency shall be invited to any meeting between OIRA personnel and such person(s);

(ii) OIRA shall forward to the issuing agency, within 10 working days of receipt of the communication(s), all written communications, regardless of format, between OIRA personnel and any person who is not employed by the executive branch of the Federal Government, and the dates and names of individuals involved in all substantive oral communications (including meetings to which an agency representative was invited, but did

not attend, and telephone conversations between OIRA personnel and any such persons); and

(iii) OIRA shall publicly disclose relevant information about such communication(s), as set forth below in subsection (b)(4)(C) of this section.

(C) OIRA shall maintain a publicly available log that shall contain, at a minimum, the following information pertinent to regulatory actions under review:

(i) The status of all regulatory actions, including if (and if so, when and by whom) Vice Presidential and Presidential consideration was requested;

(ii) A notation of all written communications forwarded to an issuing agency under subsection (b)(4)(B)(ii) of this section; and

(iii) The dates and names of individuals involved in all substantive oral communications, including meetings and telephone conversations, between OIRA personnel and any person not employed by the executive branch of the Federal Government, and the subject matter discussed during such communications.

(D) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, or after the agency has announced its decision not to publish or issue the regulatory action, OIRA shall make available to the public all documents exchanged between OIRA and the agency during the review by OIRA under this section.

(5) All information provided to the public by OIRA shall be in plain, understandable language.

Sec. 7. Resolution of Conflicts. To the extent permitted by law, disagreements or conflicts between or among agency heads or between OMB and any agency that cannot be resolved by the Administrator of OIRA shall be resolved by the President, or by the Vice President acting at the request of the President, with the relevant agency head (and, as appropriate, other interested government officials). Vice Presidential and Presidential consideration of such disagreements may be initiated only by the Director, by the head of the issuing agency, or by the head of an agency that has a significant interest in the regulatory action at issue. Such review will not be undertaken at the request of other persons, entities, or their agents.

Resolution of such conflicts shall be informed by recommendations developed by the Vice President, after consultation with the Advisors (and other executive branch officials or personnel whose responsibilities to the President include the subject matter at issue). The development of these recommendations shall be concluded within 60 days after review has been requested.

During the Vice Presidential and Presidential review period, communications with any person not employed by the Federal Government relating to the substance of the regulatory action under review and directed to the Advisors or their staffs or to the staff of the Vice President shall be in writing and shall be forwarded by the recipient to the affected agency(ies) for inclusion in the public docket(s). When the communication is not in writing, such Advisors or staff members shall inform the outside party that the matter is under review and that any comments should be submitted in writing.

At the end of this review process, the President, or the Vice President acting at the request of the President, shall notify the affected agency and the Administrator of OIRA of the President's decision with respect to the matter.

Sec. 8. Publication. Except to the extent required by law, an agency shall not publish in the **Federal Register** or otherwise issue to the public any regulatory action that is subject to review under section 6 of this Executive order until (1) the Administrator of OIRA notifies the agency that OIRA has waived its review of the action or has completed its review without

any requests for further consideration, or (2) the applicable time period in section 6(b)(2) expires without OIRA having notified the agency that it is returning the regulatory action for further consideration under section 6(b)(3), whichever occurs first. If the terms of the preceding sentence have not been satisfied and an agency wants to publish or otherwise issue a regulatory action, the head of that agency may request Presidential consideration through the Vice President, as provided under section 7 of this order. Upon receipt of this request, the Vice President shall notify OIRA and the Advisors. The guidelines and time period set forth in section 7 shall apply to the publication of regulatory actions for which Presidential consideration has been sought.

Sec. 9. Agency Authority. Nothing in this order shall be construed as displacing the agencies' authority or responsibilities, as authorized by law.

Sec. 10. Judicial Review. Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 11. Revocations. Executive Orders Nos. 12291 and 12498; all amendments to those Executive orders; all guidelines issued under those orders; and any exemptions from those orders heretofore granted for any category of rule are revoked.



THE WHITE HOUSE,
September 30, 1993.

[FR Doc. 93-24523

Filed 10-1-93; 12:12 pm]

Billing code 3195-01-M

Editorial note: For the President's remarks on signing this Executive order, see issue 39 of the *Weekly Compilation of Presidential Documents*.

Attachment 3

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Proposed Information Collection; Comment Request;
Southeast Region Logbook Family of Forms

Federal Register, Vol. 69, No. 85, 24133
(Monday, May 3, 2004)

no longer be treated as a non-market economy country ("NME") under U.S. antidumping law. Among the more specific issues that would be taken up under this agenda would be structural characteristics of the Chinese economy that appear to be inconsistent with the normal experience of a market economy, as well as Chinese government policies and practices which have the potential to distort the market and U.S.-China trade. Examples of the types of structural issues envisioned for these discussions include China's banking sector and state-owned enterprises, as well as central, provincial, and regional governmental policies such as tax incentives and other export promotion instruments. The Department is requesting public comment in advance of a public hearing that will be held on June 3, 2004, for the purpose of identifying relevant topics and issues for discussion in the working group. We encourage parties to limit their comments to factual information that supports the issue or topic raised.

Persons wishing to comment should file a signed original and six copies of each set of comments by May 19, 2004. Comments should be limited to twenty pages. The Department will consider all comments received before the close of the comment period. Comments received after the end of the comment period will not be considered. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them. All comments responding to this notice will be a matter of public record and will be available for public inspection and copying at Import Administration's Central Records Unit, Room B-099, between the hours of 8:30 a.m. and 5 p.m. on business days. The Department requires that comments be submitted in written form, but also recommends submission of comments in electronic form to accompany the required paper copies. Comments filed in electronic form should be submitted either by e-mail to the webmaster below, or on CD-ROM, as comments submitted on diskettes are likely to be damaged by postal radiation treatment. Comments received in electronic form will be made available to the public in Portable Document Format (PDF) on the Internet at the import administration web site at the following address: <http://ia.ita.doc.gov/>. Any questions

concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482-0866, email address: webmaster-support@ita.doc.gov.

The public hearing on June 3, 2004, will be begin at 9 a.m. in the auditorium at the Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230. Individual hearing presentations will be limited to five minutes, to allow for possible questions from the Chair and the panel. Additional time for oral presentations may be granted as time and the number of participants permit. Parties wishing to testify orally at the hearing must provide written comments (subject to the requirements described above) on which their testimony will be based, and must include with their comments a written notification of their intent to testify.

All comments and submissions (including written notification of intent to testify) should be mailed to James J. Jochum, Assistant Secretary for Import Administration; Subject: Public Hearings on U.S.-China Joint Commission on Commerce and Trade Working Group on Structural Issues; Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, by no later than 5 p.m., May 19, 2004. The notification should include (1) the name of the person presenting the testimony, their address and telephone number; (2) the organization or company they are representing, if appropriate; and (3) if applicable, any request for an extension of the time limitation on the oral presentation. In addition, please send a copy of this notification via facsimile to Lawrence Norton and Anthony Hill at (202) 482-501-1377.

Dated: April 28, 2004.

James J. Jochum,
Assistant Secretary for Import
Administration.

[FR Doc. 04-10053 Filed 4-30-04; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042704A]

Proposed Information Collection; Comment Request; Southeast Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 2, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via e-mail at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jim Waters, Department of Commerce, NOAA, National Marine Fisheries Service, 101 Pivers Island Road, Beaufort, NC 28516-9722, (252-728-8710).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) proposes to collect information about vessel expenses and earnings in the Gulf of Mexico reef fish and coastal pelagic (mackerel) fisheries with which to conduct economic analyses that will improve fishery management in those fisheries; will satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Steven Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and will quantify achievement of the performances measures in the NMFS Strategic Operating Plans. These data will be collected in conjunction with catch and effort data already being collected in this fishery as part of its logbook program, and will be used to assess how fishermen will be impacted by and respond to regulations likely to be considered by fishery managers.

II. Method of Collection

Owners of selected vessels with Federal commercial permits in the Gulf of Mexico reef fish and coastal pelagics fisheries will be required to report information about trip costs, input usage, input prices, and dockside prices as part of the logbook reporting

requirements in this fishery. In addition, these vessel owners will be required to complete and submit by mail a separate form about annual fixed cost information such as expenditures for repair and maintenance, gear purchase and repair, fishing licenses and permits, insurance, dock fees, repayment on boat and business loans, office expenses and so forth.

III. Data

OMB Number: 0648-0016.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 350.

Estimated Time Per Response: 10 minutes per trip report; and 30 minutes for the annual fixed-cost survey.

Estimated Total Annual Burden Hours: 1,400.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the collection of information burden on respondents through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 23, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-10004 Filed 4-30-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042704C]

Proposed Information Collection; Comment Request; Small-Craft Facility Questionnaire

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 2, 2004.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via e-mail at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lyn Preston, N/CS26, Station 7350, 1315 East West Highway, Silver Spring, MD 20910-3282 (301.713.2737 x123).

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA's National Ocean Service produces nautical charts to ensure safe navigation. Small-craft charts are designed for recreational boaters and include information on local marina facilities and the services they provide (fuel, repairs, etc.). NOAA must collect information to update the charts.

II. Method of Collection

A web-based utility has been created that facilitates the voluntary submission of user (facility owner/operator) data for available marina services.

III. Data

OMB Number: 0648-0021.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Businesses and other for-profit organizations (small-craft facilities or marinas).

Estimated Number of Respondents: 1,600.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 230.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the collection of information burden on respondents through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 23, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 04-10006 Filed 4-30-04; 8:45 am]

BILLING CODE 3510-JE-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042704F]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and